

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANDREW GREGO and MARIA DOROSHCHUK, individually and on behalf of all others similarly situated,

## Plaintiffs,

V.

KADLEC REGIONAL MEDICAL CENTER, a Washington non-profit corporation; CARDON HEALTHCARE NETWORK, LLC, d/b/a Cardon Healthcare Network and Cardon Outreach, a Delaware for-profit corporation; and CARDON HEALTHCARE HOLDINGS, a Delaware for-profit corporation,

## Defendants.

NO: 4:16-CV-5150-RMP

ORDER DENYING AS MOOT  
DEFENDANTS' MOTION TO  
DISMISS FOR LACK OF SUBJECT  
MATTER JURISDICTION

BEFORE THE COURT is a Motion to Dismiss for Lack of Subject Matter

18 Jurisdiction, ECF No. 7, by Defendants Cardon Healthcare Network, LLC  
19 (“Cardon”) and Cardon Healthcare Holdings (“Cardon Holdings”). The Court has  
20 reviewed Defendants’ motion, the remaining record, and the relevant law, and is  
21 fully informed.

ORDER DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS FOR  
LACK OF SUBJECT MATTER JURISDICTION ~ 1

1 Plaintiff Andrew Grego initiated a putative class action in this District on  
2 November 14, 2016. Although Plaintiff's claims were raised in his individual  
3 capacity and "on behalf of all others similarly situated," he stated only traditional  
4 diversity jurisdiction under 28 U.S.C. § 1332(a)(1) as a basis for federal subject  
5 matter jurisdiction. ECF No. 1 at 1, 5. On December 19, 2016, Defendants  
6 Cardon and Cardon Holdings moved to dismiss Plaintiff's complaint on the basis  
7 that complete diversity between Plaintiff and Defendant Kadlec Regional Medical  
8 Center did not exist, given that both are citizens of Washington State.

9 Plaintiff did not respond to Defendants' motion. However, Plaintiff filed an  
10 amended complaint on January 9, 2017. Plaintiff's amended complaint named a  
11 second Plaintiff, Maria Doroshchuk, and stated a new basis for federal subject  
12 matter jurisdiction: the Class Action Fairness Act ("CAFA"). *See* ECF No. 8 at 6.  
13 Defendant answered Plaintiffs' complaint on January 31, 2017, denying the factual  
14 allegations underlying Plaintiffs' claim of CAFA jurisdiction for "lack[] of  
15 sufficient information to form a belief." ECF No. 9 at 6.

16 CAFA expanded diversity jurisdiction to include putative and certified class  
17 actions in which the class comprises more than 100 members, at least one plaintiff  
18 is a citizen of a state different from any defendant, and the aggregate amount of all  
19 class members' claims exceeds \$5 million. *See* 28 U.S.C. § 1332(d). Plaintiff's  
20 amended complaint makes the requisite factual allegations to assert diversity  
21 jurisdiction under CAFA. Given that Plaintiffs allege a facially viable basis for

1 federal subject matter jurisdiction, Defendants' motion to dismiss the original  
2 complaint for lack of subject matter jurisdiction must be denied.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. Defendant's Motion to Dismiss for Lack of Subject Matter  
5 Jurisdiction, **ECF No. 7**, is **DENIED AS MOOT**.
- 6 2. The caption in this matter is amended to include Plaintiff Maria  
7 Doroshchuk.

8 The District Court Clerk is directed to enter this Order and provide copies to  
9 counsel.

10 **DATED** March 3, 2017.

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*s/ Rosanna Malouf Peterson*  
12 ROSANNA MALOUF PETERSON  
13 United States District Judge